

**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW
ETHICS ADJUDICATORY BOARD**

BOARD OF ETHICS

*** DOCKET NO. 2020-5593-ETHICS-A**

IN THE MATTER OF

LAWRENCE “GUM” RICHARD

*** AGENCY ID NO. 5120-028**

DECISION AND ORDER

The Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, requested a hearing to have the Ethics Adjudicatory Board determine whether Lawrence “Gum” Richard failed to file his 30-P and 10-P campaign finance disclosure reports by the sixth day after they were due, and his 10-G campaign finance disclosure report by the eleventh day after it was due, in connection with his 2019 candidacy for St. Landry Parish Sheriff. The Louisiana Board of Ethics proved by clear and convincing evidence that Lawrence “Gum” Richard failed to file these reports as alleged. The Louisiana Board of Ethics is authorized to impose upon Lawrence “Gum” Richard additional civil penalties of up to \$10,000 for each report as allowed by La. R.S. 18:1505.4(A)(4)(a) and (b).

APPEARANCES

An adjudicatory hearing in this matter was conducted on October 16, 2020, in Baton Rouge, Louisiana, before Panel A of the Ethics Adjudicatory Board.¹ Charles E. Reeves, Jr., appeared as counsel on behalf of the Board of Ethics. Although duly noticed, Lawrence “Gum”

¹ The panel consisted of administrative law judges Sherlyn D. Shumpert (presiding), A. Brock Avery, and Lance B. Vinson.

Richard did not appear for the hearing.²

STATEMENT OF THE CASE

In connection with his 2019 candidacy for St. Landry Parish Sheriff, the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure (BOE), imposed civil penalties on Lawrence “Gum” Richard (Respondent) for failing to file three campaign finance disclosure reports by their deadlines. One report was due by the thirtieth day before the primary election (the 30-P report), one was due by the tenth day before the primary election (the 10-P report), and one was due by the tenth day before the general election (the 10-G report). The BOE then requested a hearing to have the Ethics Adjudicatory Board (EAB) determine whether Respondent failed to file his 30-P report and his 10-P report by the sixth day after they were due, and his 10-G report by the eleventh day after it was due, which could subject him to an additional civil penalty of up to \$10,000 for each report, as provided by La. R.S. 18:1505.4(A)(4)(a) and (b).

Counsel for the BOE offered thirteen exhibits during the hearing, all of which were admitted into evidence.³ Counsel presented the case on behalf of the BOE, the record was closed, and the matter was submitted for decision.

This adjudication is conducted in accordance with the Code of Governmental Ethics, La. R.S. 42:1101, *et seq.*, the Campaign Finance Disclosure Act (CFDA), La. R.S. 18:1481, *et seq.*, and the Administrative Procedure Act, La. R.S. 49:950, *et seq.*, and the enabling legislation of the Division of Administrative Law, La. R.S. 49:991, *et seq.*

² BOE Exhibit 13. The hearing notice was mailed on June 25, 2020, by the Administrative Hearings Clerk for the Division of Administrative Law to Lawrence “Gum” Richard at: 640 W. Bertheaud Avenue, Opelousas, Louisiana 70570-4004.

³ All of the exhibits had been certified by affidavit to be true and correct copies of the BOE records. BOE-1 (September 4, 2020, affidavit of Carolyn Abadie Landry, Executive Secretary for the BOE).

FINDINGS OF FACT

Respondent was a candidate for the office of St. Landry Parish Sheriff.⁴ The primary election was held on October 12, 2019, and the general election was held on November 16, 2019.⁵ Respondent was required to file his 30-P report by September 12, 2019, his 10-P report by October 2, 2019, and his 10-G report by November 6, 2019.⁶

On January 3, 2020, the BOE issued late fee assessment orders to Respondent ordering him to pay a statutory late fee of \$2,000 for each campaign finance disclosure report that he failed to timely file.⁷ The BOE also informed Respondent that he may be subject to an additional civil penalty of up to \$10,000 for each campaign finance disclosure report that he failed to timely file.⁸ The late fee assessment orders were sent to Respondent by certified mail with return receipt requested at his last known address.⁹

As of October 5, 2020, Respondent had not filed his 30-P report, his 10-P report, or his 10-G report.¹⁰

CONCLUSIONS OF LAW

Respondent knowingly failed to file his 30-P and 10-P reports by the sixth day after they were due, and he failed to file his 10-G report by the eleventh day after it was due. For these failures, the BOE is authorized to impose additional civil penalties upon Respondent, as allowed by La. R.S. 18:1505.4(A)(4)(a) and (b).

⁴ BOE Exhibit 2.

⁵ See La. R.S. 18:1495.4(B).

⁶ BOE Exhibit 4.

⁷ BOE Exhibits 6-8.

⁸ *Id.*

⁹ *Id.*

¹⁰ BOE Exhibit 9.

In adjudicatory hearings under La. R.S. 18:1505.4(A)(4)(a), the BOE must prove by clear and convincing evidence¹¹ that the candidate knowingly¹² failed to file certain campaign finance disclosure reports more than six days after they were due. An adjudicatory hearing under La. R.S. 18:1505.4(A)(4)(b) applies the same burden for the candidate's failure to file "other reports" more than eleven days after they were due. If, after conducting an adjudicatory hearing, the EAB determines that a candidate knowingly failed to file a required campaign finance disclosure report more than six days after it was due¹³ or eleven days after it was due,¹⁴ then the BOE, may impose an additional civil penalty of up to \$10,000 upon the candidate for each report the candidate failed to file.¹⁵

Report Filing Requirements and Fixed Statutory Penalty

Respondent was a candidate for St. Landry Parish Sheriff, which is a district office.¹⁶ Every candidate (or his campaign treasurer) for a district office is required to file certain campaign finance disclosure reports by the deadlines provided in the CFDA.¹⁷ Failure to timely submit the required report constitutes a violation of the CFDA.¹⁸ Failure to submit the required report within three days after the final date for filing is presumptive evidence of intent to not file the report.¹⁹

As a candidate for a district office, Respondent was required to file a 30-P report by the thirtieth day prior to the primary election,²⁰ a 10-P report by the tenth day prior to the primary

¹¹ See La. R.S. 42:1141.5(C). "'Clear and convincing evidence', in general, means that the fact of guilt must be proven to a greater degree than by 'a mere preponderance of the evidence' but less than by 'beyond a reasonable doubt.... The standard requires that the existence of the disputed fact be [h]ighly probable, that is, much more probable than its non-existence.'" *Louisiana State Bar Ass'n v. Edwins*, 329 So. 2d 437, 442 (La. 1976).

¹² La. R.S. 18:1505.4(A)(1).

¹³ La. R.S. 18:1505.4(A)(4)(a).

¹⁴ The eleven-day period applies to reports other than those a candidate is required to file between qualifying for the election and the day of the election.

¹⁵ See La. R.S. 18:1505.4(A)(4)(b).

¹⁶ See La. R.S. 18:1483(7) (defining "District office").

¹⁷ La. R.S. 18:1484(1).

¹⁸ La. R.S. 18:1505.1(B).

¹⁹ La. R.S. 18:1505.1(A).

²⁰ La. R.S. 18:1495.4(B)(3).

election,²¹ and a 10-G report by the tenth day prior to the general election.²² The BOE issued late fee assessment orders ordering Respondent to pay the statutory late fee of \$2,000 for each report that he failed to file timely: 30-P report, 10-P report, and 10-G report.²³

Assessment of Additional Civil Penalty

With the benefit of the un rebutted statutory presumption of intent not to file, the BOE proved by clear and convincing evidence that Respondent knowingly violated the CFDA by failing to file his 30-P report by September 18, 2019;²⁴ his 10-P report by October 8, 2019;²⁵ and his 10-G report by November 17, 2019.²⁶ As a result, the BOE is authorized to impose an additional civil penalty up to \$10,000 for each report, as allowed by La. R.S. 18:1505.4(A)(4)(a) and (b).

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²¹ La. R.S. 18:1495.4(B)(4).

²² La. R.S. 18:1495.4(B)(5).

²³ See La. R.S. 18:1511.4.1(C) (providing individuals a right to appeal a final order for the payment of civil penalties).

²⁴ The 30-P report was due September 12, 2019; the third day after September 12, 2019, was September 15, 2019; and the sixth day after September 12, 2019, was September 18, 2019.

²⁵ The 10-P report was due October 2, 2019; the third day after October 2, 2019, was October 5, 2019; and the sixth day after October 2, 2019, was October 8, 2019.

²⁶ The 10-G report was due November 6, 2019; the third day after November 6, 2019, was November 9, 2019; and the eleventh day after November 6, 2019, was November 17, 2019.

ORDER

IT IS ORDERED that the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, is authorized by La. R.S. 18:1505.4(A)(4)(a) to impose an additional civil penalty of up to \$10,000 upon Lawrence “Gum” Richard for his failure to file his 30-P campaign finance disclosure report.

IT IS ORDERED that the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, is authorized by La. R.S. 18:1505.4(A)(4)(a) to impose an additional civil penalty of up to \$10,000 upon Lawrence “Gum” Richard for his failure to file his 10-P campaign finance disclosure report.

IT IS ORDERED that the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, is authorized by La. R.S. 18:1505.4(A)(4)(b) to impose an additional civil penalty of up to \$10,000 upon Lawrence “Gum” Richard for his failure to file his 10-G campaign finance disclosure report.

Rendered and signed on November 30, 2020, in Baton Rouge, Louisiana.



Sherlyn D. Shumpert
Presiding Administrative Law Judge
Ethics Adjudicatory Board- Panel A



A. Brock Avery
Administrative Law Judge
Ethics Adjudicatory Board- Panel A



Lance B. Vinson
Administrative Law Judge
Ethics Adjudicatory Board- Panel A

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Tuesday, December 01, 2020, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court
Division of Administrative Law

REVIEW RIGHTS

Requests for rehearing, reopening, or reconsideration are subject to the procedures, timing requirements, and legal grounds provided in Louisiana Revised Statute 49:959, with the time for filing calculated pursuant to Louisiana Code of Civil Procedure article 5059. To determine your review rights, you should act promptly and seek legal advice.

To request a rehearing or reconsideration, please send it to one of the addresses indicated below:

EMAIL documents to:
EABprocessing@adminlaw.state.la.us

FAX documents to:
EAB Section Deputy Clerk
(225) 219-9820

MAIL documents to:
DAL – EAB Section
ATTN: EAB Section Deputy Clerk
P. O. Box 44033
Baton Rouge, LA 70804-4033

If you do not request a rehearing of your decision or your rehearing request is denied, you have the right to seek judicial review in accordance with La. R.S. 42:1142(A)(1), with the time for requesting judicial review calculated pursuant to La. C.C.P. art 5059. To determine your review rights, you should act promptly and seek legal advice.